

**INITIATIVE PETITION**

**ARKANSAS ADULT USE AND EXPUNGEMENT MARIJUANA AMENDMENT**

FOR OFFICE USE ONLY

To the Honorable John Thurston Secretary of the State of Arkansas: We, the undersigned registered voters of the State of Arkansas, respectfully propose the following amendment to The Constitution of the State, and by this, our petition, order that the same be submitted to the people of said state, to the end that the same may be adopted, enacted, or rejected by the vote of the registered voters of said state at the regular general election to be held on the 8th day of November; 2022, and each of us for himself or herself says: I have personally signed this petition; I am a registered voter of the State of Arkansas, and my printed name, date of birth, residence, city or town of residence, county of residence, and date of signing this petition are correctly printed after my Signature. The Popular Name is **ARKANSAS ADULT USE AND EXPUNGEMENT MARIJUANA AMENDMENT**, and the ballot title is attached or affixed hereto.

\_\_\_\_ VALID OF \_\_\_\_  
BY \_\_\_\_ DATE \_\_\_\_

VOTERS REGISTERED IN \_\_\_\_\_ COUNTY

	SIGNATURE XXXXXXXXXXXX	PRINTED NAME XXXXXXXXXXXX	DATE OF BIRTH	RESIDENCE (STREET ADDRESS)	CITY OR TOWN OF RESIDENCE	COUNTY OF RESIDENCE	DATE OF SIGNING
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2							
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9							
10							

**FILED**

NOV 04 2021

ARKANSAS SECRETARY OF STATE  
BY \_\_\_\_\_

State of Arkansas, County of \_\_\_\_\_ (county where notary signs)  
I, \_\_\_\_\_, being sworn, state that each of the foregoing persons signed his or her own name to this sheet of the petition in my presence. To the best of my knowledge and belief, each signature is genuine, and each signer is a registered voter of the state of Arkansas, in the county listed. At all times during the circulation of this signature sheet, an exact copy of the Popular name, Ballot Title, and text was attached to this signature sheet. My current residence address is correctly stated below.

On this \_\_\_ day of \_\_\_\_\_, 20\_\_\_, before me, the undersigned Notary Public, personally appeared \_\_\_\_\_, well known to me (or satisfactorily proven by identification documents provided) to be the person described in the forgoing Canvasser Affidavit and acknowledged that she/he executed the same in capacity of a Canvasser for the purpose of fulfilling legal requirements of a Canvasser in the State of Arkansas; and that I personally witnessed the signature of the Canvasser

Signature of Notary \_\_\_\_\_  
My Commission Expires \_\_\_\_\_  
Residence County of Notary \_\_\_\_\_

Indicate one: ( ) Paid Canvasser ( ) Volunteer/Unpaid Canvasser

NOTARY SEAL STAMPED ABOVE

U. S. I. I.  
C. S. I. I.  
U. S. I. I.

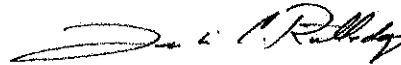
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Instructions to Canvassers and Signers

1. The Arkansas Constitution gives Arkansas citizens the power to (a) initiate legislation by petition of 8% of the legal voters or constitutional amendments by petition of 10% of legal voters, or (b) order the referendum against any general act or any item of an appropriation bill or measure passed by the General Assembly by petition of 6% of legal voters. A proposed measure must be submitted at a regular election. Referendum petitions may be referred at special elections on petition of 15% of the registered voters. Any measure submitted to the people becomes law when approved by a majority of the votes cast upon such measure.
2. Only registered voters may sign. All signatures must be in the signer's own handwriting and in the presence of the person circulating the petition. Each petition part should contain only the signatures of voters residing in a single county.
3. Printed name, date of birth, residence, city or town of residence, and date of signing must be given. If a petition signer needs assistance with this information due to disability, another person may print the signer's information and that person shall sign and print their name in the margin of the petition.
4. Pursuant to Ark. Code Ann. § 7-9-103, a person commits a Class A misdemeanor, punishable by a fine of up to \$2,500 and confinement of up to one year in jail, if the person knowingly prints a name, address, or birth date other than his or her own to a petition or prints the date of signing for another person unless the signer requires assistance due to disability and the person complies with § 7-9-103.
5. Pursuant to Ark. Code Ann. § 5-55-601, each of the following activities constitutes "petition fraud," which is a Class D felony punishable by a fine of up to \$10,000 and up to six (6) years imprisonment. Under that law, "A person commits the offense of petition fraud:
  - (1) If the person knowingly:
    - (A) Signs a name other than his or her name to a petition;
    - (B) Signs his or her name more than one (1) time to a petition; or
    - (C) Signs a petition when he or she is not legally entitled to sign the petition;
  - (2) If the person acting as a canvasser, notary, sponsor, as defined under § 7-9-101, or agent of a sponsor:
    - (A) Signs a name other than his or her own to a petition;
    - (B) Prints a name, address, or birth date other than his or her own to a petition unless the signor requires assistance due to disability and the person complies with § 7-9-103;
    - (C) Solicits or obtains a signature to a petition knowing that the person signing is not qualified to sign the petition;

- (D) Knowingly pays a person any form of compensation in exchange for signing a petition as a petitioner;
  - (E) Accepts or pays money or anything of value for obtaining signatures on a petition when the person acting as a canvasser, sponsor, or agent of a sponsor knows that the person acting as a canvasser's name or address is not included on the sponsor's list filed with the Secretary of State under § 7-9-601; or
  - (F) Knowingly misrepresents the purpose and effect of the petition or the measure affected for the purpose of causing a person to sign a petition;
- (3) If the person acting as a canvasser knowingly makes a false statement on a petition verification form; [or] \*\*\*
  - (5) If the person acting as a sponsor files a petition or a part of a petition with the official charged with verifying the signatures knowing that the petition or part of the petition contains one (1) or more false or fraudulent signatures unless each false or fraudulent signature is clearly stricken by the sponsor before filing."

Arkansas Attorney General



Leslie Rutledge

Revised 03/11/20

Popular Name

ARKANSAS ADULT USE AND EXPUNGEMENT MARIJUANA AMENDMENT

Ballot Title

This is an amendment to the Arkansas Constitution to authorize the possession of marijuana, also known as cannabis, by adults for personal use under state law, acknowledging that possession and sale of marijuana is currently illegal under federal law when this petition is circulated; to confirm that the regulation, possession and sale of medical marijuana under Amendment 98 to the Arkansas Constitution will continue unchanged; to authorize the state Marijuana Commission Division of the Arkansas Department of Finance and Administration to issue licenses to commercial establishments to cultivate, process and sell marijuana to adults for personal use, to promulgate rules for that purpose and to require licenses to be issued within 180 days of the effective date of this amendment; to authorize dispensaries and cultivation facilities with a valid license under Amendment 98 to sell marijuana for adult personal use beginning on December 8, 2022; to authorize the number of commercial establishments licensed to conduct retail sales of marijuana to allow at least one per 15,000 residents; to allow dispensaries to grow at least 200 mature plants and 200 seedlings; to authorize the number of commercial cultivation facilities licensed to cultivate marijuana to one (1) per three hundred thousand (300,000) residents or part thereof; to authorize the Marijuana Commission

Division of the Arkansas Department of Finance and Administration to promulgate rules providing for issuance of dispensary and cultivation licenses by lottery; to provide that all commercial establishments licensed to cultivate, process or sell marijuana to adults for personal use must be located at least one thousand (1000) feet from a pre-existing school or church; to provide for state taxation of the retail sales of marijuana and to direct tax revenue to be used first to fund the cost of the regulatory program, with excess revenue directed as follows: 50% to fund and operate public pre-kindergarten and after school programs, 40% to fund the operations of the University of Arkansas for Medical Sciences National Cancer Institute and research for marijuana for medical use and 10% to the general fund; to authorize municipalities and counties to prohibit commercial marijuana retail sales within their jurisdiction by a majority vote in accordance with Article 5, §1 of the Arkansas Constitution; to authorize the Alcohol Beverage Control Division of the Arkansas Department of Finance and Administration to promulgate rules establishing controlled access requirements for marijuana plants on residential property and security, laboratory testing, and processing requirements for marijuana plants and products by licensed cultivation facilities, processing facilities and dispensaries; to authorize adults to possess up to 4 ounces of marijuana flower, 2 ounces of marijuana concentrate, edible products containing marijuana with tetrahydrocannabinol (THC) content and to cultivate up to six marijuana seedlings and six marijuana flowering plants for personal use on residential property owned by the adult in possession of the plants or with the written permission of the property owner. To allow persons convicted of possession, cultivation, manufacture, distribution, or sale of sixteen (16) ounces or less of marijuana, also known as cannabis, six (6) or fewer mature marijuana plants or marijuana paraphernalia prior to the effective date of this amendment to petition a court for release from incarceration, expungement of the conviction and/or restoration of rights and to authorize the creation of dedicated court for this purpose.

ARKANSAS ADULT USE AND EXPUNGEMENT MARIJUANA AMENDMENT

**§1 Short Title**

This amendment to the Arkansas Constitution shall be known as the "Arkansas Adult Use And Expungement Marijuana Amendment."

**§2 Effective Date**

The provisions in §4, §10, and §11 of this amendment shall become effective the day after its passage by popular vote of the people, without regard to certification of the vote by the Secretary of State. The remaining sections shall become effective 30 days after passage of the amendment by popular vote of the people without regard to certification of the vote by the Secretary of State.

**§3 Definitions**

- a) "Adult" means a resident of the State of Arkansas who is twenty-one (21) years of age or older.
- b) "Cannabinoid" means any of the chemical compounds that are the active constituents of marijuana.
- c) "Cultivation facility" means a commercial establishment authorized to cultivate, prepare, package and deliver marijuana flower to processing facilities for processing into marijuana concentrates or edible products containing marijuana or to dispensaries for retail sale.
- d) "Dispensary" means a commercial establishment authorized to cultivate, prepare, package, sell or deliver marijuana flowers, marijuana concentrates and edible products containing marijuana to adults. A dispensary shall be authorized to cultivate marijuana in quantities set by the Alcohol Beverage Control Division of the Arkansas Department of Finance and Administration, which shall be no less than 200 mature marijuana plants and 200 marijuana seedlings at any one time.

- e) "Edible products containing marijuana" means a product containing marijuana flower or marijuana concentrate that is intended to be consumed as food or drink.
- f) "Marijuana concentrate" means a substance obtained by extracting cannabinoids from marijuana through mechanical or chemical means.
- g) "Marijuana flower" means the flowering bud of a marijuana plant which has been dried, cured, frozen or otherwise preserved for consumption through combustion or vaporization or preserved for further processing.
- h) "Mature marijuana plant" means a marijuana plant that is flowering.
- i) "Processing facility" means a commercial establishment authorized to prepare, extract and package marijuana flower into marijuana concentrates or edible products containing marijuana and deliver such products to dispensaries for retail sale.
- j) "School" means a facility or building operated by a public school district; open-enrollment public charter school, as defined in Ark. Code Ann. § 6-23-103; or a private entity including parochial schools providing preschool, elementary, or secondary education. "School" does not include postsecondary institutions of higher education, community colleges, or the residences of students being home schooled under Ark. Code Ann. § 6-15-501, et. seq.

#### §4 Possession; Immediate Retail Sales

- a) On December 8, 2022, adults are authorized under state law to possess marijuana, also known as cannabis, for personal use, acknowledging that possession and sale of marijuana is currently illegal under federal law.
- b) Adults may possess up to 4 ounces of marijuana flower, 2 ounces of marijuana concentrate and edible products containing marijuana with tetrahydrocannabinol (THC) content at any given time.
- c) Adults may also cultivate up to six marijuana seedlings and six mature marijuana plants for personal use on residential property that is owned by the adult in possession of the plants or with the written permission of the property owner.
- (i) Plants must be grown in an enclosed and locked facility.
  - (ii) Anything over the allowed limit of possession must also be in an enclosed, locked facility.
  - (iii) Each plant must be registered with the state and will be subject to inspection by the Alcohol Beverage Control Division of the Arkansas Department of Finance and Administration
  - (iv) Personal grow license shall be no more than twice the annual cost of an Arkansas driver's license.
- d) Beginning on December 8, 2022, under the provisions of this section dispensaries with a valid license under Amendment 98 shall be authorized to sell marijuana to adults for personal use and cultivation facilities with a valid license under Amendment 98 shall be authorized to sell marijuana to dispensaries for retail sale to adults for personal use.

#### §5 Effect on Amendment 98

This amendment shall not affect the provisions of Amendment 98 or the regulations implementing the possession and sale of medical marijuana under Amendment 98 except that medical marijuana dispensaries may also sell marijuana to adults for personal use.

#### §6 Cultivation Facility, Processing Facility and Dispensary Licensing and Regulation

- a) The Marijuana Commission of the Arkansas Department of Finance and Administration is directed to begin issuance of licenses to processing facilities and to provide public notice of the intent to issue cultivation and dispensary licenses within ninety (90) days of the effective date of this amendment. Cultivation and dispensary licenses shall be issued within one hundred and eighty (180) days of the effective date of this amendment.

Application fees for a dispensary or processor shall initially be no more than \$2,500 and annual licensing fees shall initially be no more than \$1,000; application fees for a cultivation facility shall initially be no more than \$10,000 and annual licensing fees shall initially be no more than \$5,000. Application fee for a transporter license shall initially be no more than \$500 and annual licensing fee shall be no more than \$250. The Marijuana Commission may authorize an increase in application and licensing fees when warranted, so long as the increased fee is not more than 10% higher on annual basis.

b) The number of dispensary licenses shall allow at least one (1) per 15,000 residents. The number of cultivation facility licenses shall be limited to one (1) per three hundred thousand (300,000) residents or part thereof. The population and number of licenses to be issued shall be determined by the Marijuana Commission of the Arkansas Department of Finance and Administration within sixty (60) days of the effective date of this amendment.

- (i) Cultivation facilities may grow unlimited number of plants
- (ii) Dispensaries may grow at least 200 mature plants and 200 seedlings

c) All commercial establishments licensed to cultivate, process or sell marijuana to adults for personal use must be located at least one thousand (1000) feet from a pre-existing school or church.

d) Within sixty (60) days of the effective date of this amendment, the Marijuana Commission of the Arkansas Department of Finance and Administration shall promulgate rules providing for the issuance of dispensary and cultivation licenses by lottery using procedures substantially similar to those currently provided in Ark. Code Ann. § 3-4-208 for retail sales of alcohol.

e) No individual, group or entity shall own or have equity interest in more than one (1) Cultivation facility and one (1) dispensary.

e) Within ninety (90) days of the effective date of this amendment, the Alcohol Beverage Control Division of the Arkansas Department of Finance and Administration shall promulgate rules establishing the following:

- 1) Controlled access requirements for marijuana plants cultivated on residential property;
- 2) Security requirements for marijuana plants and products on the premises of licensed cultivation facilities, processing facilities and dispensaries.
- 3) Standards and procedures for laboratory testing of marijuana flower, marijuana concentrates and edible products containing marijuana prior to retail sale;
- 4) Standards and procedures for the processing of marijuana flower into marijuana concentrates and edible products containing marijuana; and
- 5) Other rules necessary to effectuate the intent of this amendment.

#### §7 Local Option Elections

a) Political subdivisions of this State are prohibited from creating or modifying existing zoning ordinances to restrict or impede cultivation facilities, processing facilities, or dispensaries from locating in any area that is not zoned for residential-use only on the date of the passage of this amendment.

b) A political subdivision may prohibit commercial marijuana retail sales by a majority vote in accordance with Article 5, §1. of the Arkansas Constitution.

c) The Marijuana Commission of the Arkansas Department of Finance and Administration may promulgate rules to implement this section

#### §8 Petitions for Relief from Prior Marijuana Criminal Convictions

a) Any person with felony or misdemeanor convictions within the State of Arkansas prior to the effective date of this amendment for the possession, cultivation, manufacture, distribution, or sale of:

- i. less than sixteen (16) ounces of marijuana, also known as cannabis;

- ii. six (6) or fewer mature marijuana plants; or
- iii. paraphernalia intended for use with marijuana, as defined by Ark. Code Ann. § 5-64-101, et seq.

may petition the courts for relief from the conviction. Relief shall be determined by the courts and may include release from incarceration, expungement of a conviction, and/or a restoration of voting rights.

b) The court shall have no discretion to not grant the petition for relief from the conviction. There will be no effect of the expunged prior conviction on subsequent convictions already final except to reduce the number of prior convictions the person may have.

#### §9 Tax Revenue

a) The state, through the Arkansas General Assembly, may levy an additional sales tax on retail sales of marijuana flower, marijuana concentrate, and edible products containing marijuana. No taxes, however, shall be levied on medical marijuana sales.

b) To fulfill the purposes of this amendment, the Arkansas General Assembly shall from time to time enact laws, and appropriate funds to or for the use of the Marijuana Commission and the Alcohol Beverage Control Division of the Arkansas Department of Finance and Administration. Initial laws and appropriations enacted by the General Assembly pursuant to this Amendment shall be in full force and effect no later than April 1, 2023.

c) All revenues derived from the retail sales tax shall be used first to fund the salaries and operating expenses of the Marijuana Commission and the Alcohol Beverage Control Division of the Arkansas Department of Finance and Administration as necessary to license and regulate cultivation facilities, processing facilities, dispensaries, and personal grow inspections.

d) Excess revenue from the retail sales tax shall be directed as follows: 50% to fund and operate public pre-kindergarten and after school programs, 40% to fund the operations of the University of Arkansas for Medical Sciences National Cancer Institute and marijuana for medical use research and 10% to the general fund. Funding priority shall be given to pre-kindergarten and after school programs in schools with the highest percentage of children eligible for free and reduced-price meals under the guidelines published by the United States Department of Agriculture.

#### §10 Severability; Inconsistent Provisions Inapplicable

a) If any part or subpart of this amendment or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any other provisions or application of the amendment that can be given effect without the invalid provisions or applications, and to this end the provisions of this amendment are declared to be severable.

b) All provisions of the Constitution, statutes, and common law of this State, including without limitation laws forbidding the possession, cultivation and use of marijuana, to the extent inconsistent or in conflict with any provision of this amendment are expressly declared null and void as to, and do not apply to, any activities allowed under this amendment.

#### §11 Legislative Authority to Modify this Amendment

a) The General Assembly cannot modify, repeal, or otherwise nullify Sections 2, 4, 6, 7, 8, 9, 10, or 11 of this amendment.

b) The General Assembly may modify, repeal, or otherwise nullify the remaining provisions of this amendment with a vote of three-fourths of each house. Such a vote can be revisited by the General Assembly.